

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**JAMES COTHAM, PATRICIA COTHAM,  
and ERIN PATRICE DANIEL,**

**Plaintiffs,**

**v.**

**CHRIS DAVIS (Humphreys County Sheriff),  
TIMOTHY HEDGE (Humphreys County  
Deputy Sheriff), CARLOS HOGAN  
(Humphreys County Deputy Sheriff), and  
HUMPHREYS COUNTY,**

**Defendants.**

**No. 3:08-1022  
JUDGE ECHOLS**

**ORDER**

For the reasons stated in the Memorandum entered contemporaneously herewith, Defendants' Motion For Summary Judgment (Docket Entry No. 12) is hereby GRANTED IN PART and DENIED IN PART.

The Motion is GRANTED in favor of Humphreys County, Sheriff Davis in his official and individual capacities, and County Deputies Timothy Hedge and Carlos Hogan in their official capacities. The Motion is also GRANTED with respect to Plaintiffs' claims under the Fifth and Fourteenth Amendments, to the extent the Fourteenth Amendment claims are based on substantive due process. The Motion is also GRANTED with respect to Plaintiffs' claim for punitive damages against Humphreys County.

The Motion is DENIED with respect to Plaintiffs' claims against County Deputy Timothy Hedge and County Deputy Carlos Hogan in their individual capacities. These two deputies are not entitled to qualified immunity.

This case shall proceed to trial on Tuesday, January 19, 2010. The Final Pretrial Conference also shall proceed as scheduled on December 21, 2009, at 1:30 p.m. (Docket Entry No. 20).

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written over a horizontal line.

ROBERT L. ECHOLS  
UNITED STATES DISTRICT JUDGE